

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
April 4, 2007

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., April 4, 2007, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1, Andrew Kunasek, Vice Chairman, District 3; Don Stapley, District 2 Max W. Wilson, District 4 and Mary Rose Wilcox, District 5 (entered late). Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

INVOCATION

Shane Wikfors, Clerk of the Board's Office, delivered the invocation.

PLEDGE OF ALLEGIANCE

Will Barnow, County Manager's Office, led the assemblage in the Pledge of Allegiance.

PET OF THE MONTH

Introduction of Jeeter, the pet of the month from Maricopa County Animal Care & Control by Dr. Silva who said that this bright-eyed corgi-mix male loves to go for walks and is leash-trained. Jeeter is looking for a family who will adopt him as he also likes to sit on laps and be petted. Jeeter will be available at the Durango center at noon. Go to www.maricopa.gov/pets for more information. Dr. Silva introduced Aprille Hollis to the Board as Animal Care & Control's new Public Information Officer expert.

~ Supervisor Wilcox entered the meeting ~

BRING BACK BLUE RESULTS

Chairman Brock gave an overview of results from the Bring Back Blue Challenge, held during the month of March, saying there had been good cooperation from residents in taking an alternative form of transportation during those four weeks and he believed this was a very successful campaign. Large numbers of employees from Maricopa County, State government, Intel and Valley Metro reportedly took the challenge. He said it would be important to carry these conservation ideas forward and to continue these effort until our air is clean and our skies are blue again. Pat Soria, project chair, announced the winners of the Bring Back Blue Challenge drawings, which included residents from the public and private sectors. Prizes included the following:

- Electric lawn mower
- Diamondback Tickets
- Maricopa County Parks Annual Passes
- Harkins movie tickets

PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

Pursuant to A.R.S. §4-201, Chairman Brock called for a public hearing on the following liquor license applications. This hearing will determine the recommendation the Board of Supervisors will make to the State Liquor Board to grant or deny the license.

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No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson and seconded by Supervisor Stapley, to recommend approval of the following liquor license applications:

- a. Application filed by William Howard Weigle for a Special Event Liquor License: (F23221) (SELL777)

Business Name: AZ Licensed Beverage Association
Location: Oakwood Golf Course, 24215 S Oakwood Blvd,
Sun Lakes 85248
Date/Time: May 12, 2007, 10:00 am – 8:30 pm

- b. Application filed by Roger J. Scharenbroich for a Special Event Liquor License: (F23221) (SELL775)

Business Name: Knights of Columbus 4th Deg. #1673
Location: 14818 W. Deer Valley Drive, Sun City West 85375
Date/Time: April 19, 2007, 11:00 am – 3:00 pm

- c. Application filed by Jolene Ann Hunter for a Person-to-Person Transfer of a Series 6 Liquor License from Glen Stewart: (LL6221)

Business Name: Desert Rose
Location: 18300 S. Old Hwy 80, Arlington AZ 85322

- d. Application filed by H. J. Lewkowitz for a Person-to-Person Transfer and a Transfer-of-Location of a Series 7 Liquor License from Stephen Lee Johnson: (LL6220)

Business Name: Whole Foods Market
Location: 7111 E. Mayo Boulevard, Phoenix AZ 85054
Former Location: 5618 E. Thomas Road, Phoenix AZ 85018

- e. Application filed by James Godfrey Urban for a Special Event Liquor License: (F23221) (SELL778)

Business Name: Rio Verde Community Association
Location: 18816 E. Four Peaks Boulevard, Rio Verde 85263
Date/Time: April 13, 2007, 4:00 pm – 6:00 pm

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "nay."

REPLACE UNDERCOVER REGISTRATIONS AND VEHICLE EXEMPTIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve new replacement undercover registrations and issuance of non-governmental license plates, including exemptions from markings, per A.R.S. §38-538.03, for seven RICO vehicles. These vehicles have all been previously approved as additions to fleet and are on file as part of the Sheriff's Office fleet of RICO vehicles. They were previously approved for (deep) undercover designation and were

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titled to Maricopa County Sheriff's Office. Approval of this item changes the registration and the name on the title to "Maricopa County." A confidential list of these vehicles is on file in the Clerk of the Board's Office. (C5007064M00) (ADM3101)

ONE-TIME ADDITION RICO FLEET AND VEHICLE EXEMPTIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a one-time addition to the Sheriff's RICO fleet, which will replace Sheriff's RICO vehicle #31. This vehicle will be used for deep undercover operations by the Sheriff's Special Investigations Division and requires exemption from governmental markings, including non-governmental license plates, pursuant to A.R.S. §38-538.03 and §28-2511. RICO funds will support its maintenance and fuel costs which are estimated to be \$2,500 per year. No vehicle replacement cost is associated with this temporary addition to fleet, which will automatically be removed for the Maricopa County Sheriff's Office fleet when it is no longer useful. Confidential vehicle information, under separate cover, is included in the list on the file in the Clerk of the Board's Office. (C5007065M00) (ADM3101V)

ONE-TIME TEMPORARY ADDITIONS TO FLEET

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve two one-time additions to fleet: one black flat bed trailer #04-12281/AZ8744 and one white flat bed trailer #04-230-469/AZ87447. These are seized and forfeited property currently situated in the impound lot, which have been released and are available for auction. The Sheriff's Office requests these trailers be retained and assigned to the Sheriff's Office Field Maintenance Officers to facilitate pick up of furniture/trash/debris/equipment, and to haul work equipment to job sites, e.g. generator/welder. The average estimated annual cost to maintain these trailers is approximately \$500 per year to be paid from budgeted Sheriff's detention funds. These two trailers are temporary additions to fleet and will be retired at the end of their useful life with no funding from the General Fund for replacement and the county's fleet will automatically be reduced. (C5007066M00) (ADM3104)

DONATION

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the acceptance of a donation for \$500 to the Sheriff's Office from Kachina Kennel Club for use by the MCSO Animal Safe Hospice Unit. (C5007067M00) (ADM3900)

FULL SERVICE LEASE IGA FOR CIRCUIT JUSTICE COURT PREMISES

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a new full service lease Intergovernmental Agreement (IGA) No. L7395 with the Town of Wickenburg for a 1,620 square foot circuit Justice Court premises to be used one day per week by the Lake Pleasant Justice Court. This circuit justice court facility is within the Wickenburg Town Hall complex located at 155 N. Tegner in Wickenburg. The initial lease term will be for five years beginning retroactively on January 1, 2007, and expiring on December 31, 2011, unless terminated earlier by either party. The lease provides for five one-year renewal options after the initial term. The monthly rental cost for the first 12-months is \$250 per month. Monthly full service rent rates during the subsequent years of the first term are \$275, \$300, \$325 and \$350. The proposed lease contains a 180-day termination clause. (C2407002400)

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AGREEMENT FOR EDUCATIONAL OPPORTUNITY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve an affiliation agreement, as amended, between Correctional Health Services and Arizona College of Allied Health. Approval would provide Medical Assistant, Health Information Technology and Health Information Specialist students the educational opportunity to work in a supervised, clinical environment within the Maricopa County jail and detention facilities. The agreement period is for 5 years. This affiliation agreement is the successor to Affiliation Agreements C02604010001 and C2604012001, which have reached the ends of their respective five year terms (three years, plus two, one year extensions) and are herein combined and renewed for a single five year period. There is no financial impact. (C2607010000)

BENEFIT PLAN DESIGN FOR LIFE INSURANCE PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) for approval of the following:

- The benefit plan design for the life insurance program as defined by The Standard Insurance Company and contract documents, and
- The life insurance rates for the contract period July 1, 2007 through June 30, 2010.

Life and Accidental Death and Dismemberment (AD&D) Insurance Benefit Plan Design

Provide all benefit-eligible employees with the following benefits that are paid in full by Maricopa County:

Basic term life insurance coverage equal to their annual salary to a maximum of \$500,000
Accidental Death coverage equal to their basic term life insurance coverage, if an accident is the cause of death
Accidental Dismemberment coverage as a percentage of the basic term life insurance coverage

Provide all benefit-eligible employees the option to purchase the following benefits paid in full by the employee:

- **Supplemental Life Insurance** – Employee Coverage Supplemental life coverage amounts are available in increments of 1, 2, 3, 4, or 5 times the employee's annual salary. The total amount of Basic Life and Supplemental Life may not exceed \$1,000,000. During Open Enrollment, the Supplemental Life coverage may be increased by one level without providing evidence of insurability up to the guarantee issue limit of \$500,000. Evidence of insurability is required for coverage amounts greater than \$500,000. The premium for Supplemental Life coverage is based on smoker status and the employee's age.
- **Spouse Dependent Life Insurance Coverage** – Dependent Life coverage may be purchased for the employee's legal spouse in increments of \$10,000, from \$10,000 to a maximum of \$100,000. The spouse coverage amount may not exceed the total amount of the employee's life insurance (Basic and Supplemental combined). Evidence of insurability is required for spouse coverage amounts greater than \$50,000. The premium for Spouse Dependent Life Insurance is based on the age of the spouse. If the

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employee's spouse is currently insured for \$5,000 and the employee does not make an election during the open enrollment period immediately preceding July 1, 2007, the Spouse Dependent Life Insurance benefit will automatically increase to \$10,000 on July 1, 2007.

- **Child Dependent Life Insurance Coverage** – Dependent Life coverage may be purchased for the employee's dependent child(ren) from live birth to age 19, or to age 25 if a full-time student. Coverage may also be purchased for a disabled child(ren). Coverage is available in increments of \$5,000, from \$5,000 to a maximum of \$20,000. The child coverage amount may not exceed the total amount of the employee's life insurance (Basic and Supplemental combined). Evidence of insurability is required for child coverage amounts greater than \$10,000. If the employee's child(ren) is currently insured for \$2,500 and the employee does not make an election during the open enrollment period immediately preceding July 1, 2007, the Child Dependent Life Insurance benefit will automatically increase to \$5,000 on July 1, 2007.
- **Supplemental AD&D Insurance** – Employee Only Coverage Supplemental AD&D coverage is available in increments of 1, 2, 3, 4, or 5 times the employee's annual salary, to a maximum of \$500,000. This coverage may be purchased separately from, or in addition to, Employee Only Supplemental Life Insurance. This coverage may not be purchased in combination with Family Supplemental AD&D Insurance.
- **Supplemental AD&D** – Family Coverage Supplemental AD&D coverage is available for the employee, and his or her legal spouse and dependent child(ren). This coverage is available in increments of 1, 2, 3, 4, or 5 times the employee's annual salary to a maximum of \$500,000 for the employee. For other dependents, the coverage amount is a) 60% of the employee's supplemental AD&D coverage when only a spouse is covered; b) 10% of the employee's supplemental AD&D coverage when only a child(ren) is covered up to \$25,000 maximum; and c) 50% of employee's supplemental AD&D coverage for a spouse and 5% for each child when both spouse and child(ren) are covered. This coverage may not be purchased in combination with Employee Only Supplemental AD&D insurance. (C3507021000) (ADM3324)

Life Insurance Rate Attachment

Basic Life	\$0.10	per 1,000
Basic AD&D	\$0.02	per 1,000
Total	\$0.12	per 1,000

**Supplemental Employee
Life:**

	Standard 2008	
	<u>Non-Smoker</u>	<u>Smoker</u>
Under age 25	\$0.040	\$0.065
25-29	\$0.047	\$0.070
30-34	\$0.062	\$0.080
35-39	\$0.070	\$0.136
40-44	\$0.092	\$0.194

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45-49	\$0.150	\$0.385
50-54	\$0.230	\$0.709
55-59	\$0.390	\$0.722
60-64	\$0.660	\$1.120
65-69	\$0.950	\$1.370
70+	\$1.760	\$2.250

**Spouse
Life:**

	Standard 2008	
	<u>Non- Smoker</u>	<u>Smoker</u>
Under age 25	\$0.060	\$0.060
25-29	\$0.070	\$0.070
30-34	\$0.080	\$0.080
35-39	\$0.100	\$0.100
40-44	\$0.120	\$0.120
45-49	\$0.200	\$0.200
50-54	\$0.340	\$0.340
55-59	\$0.540	\$0.540
60-64	\$0.900	\$0.900
65-69	\$1.280	\$1.280
70+	\$2.080	\$2.080

**Dependent Child
Life**

\$0.100 per 1000

**Supplemental
Family ADD**

\$0.035 per 1000

**Supplemental
Employee AD&D**

\$0.02 per 1000

PERSONNEL AGENDAS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A and B will be found at the end of this set of Minutes.

2007 PREMIUM PAY SCHEDULE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to authorize the 2007 Premium Pay Schedule applicable to all employees paid through the Maricopa County payroll system. Consistent with Administrative Policy and Procedure Pay Differentials HR2416. A schedule of pay differential rates is to be presented to the Board of Supervisors on an annual basis. The recommendation to the Board is to be based on a market review, and adjustments are to be made where warranted by market conditions. A review of premium pay market conditions was recently complete by

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Deloitte Consulting. The schedule represents OMB/General Government's recommendation for premium pay for the 12-months beginning April 1, 2007. (C4907034600) (ADM3308)

PREMIUM PAY SCHEDULE

The use of premium pay for a particular market range is subject to the approval of the OMB/Employee Compensation Division, and is subject to audit.

1. Shift Differential

Payment to a non-exempt employee for working a shift that is outside the 1st shift (between 7 a.m. and 6 p.m.).

2nd shift - \$.50 per hour
3rd shift - \$.75 per hour

The use of a shift differential for a particular market range is subject to the approval of the OMB/Employee Compensation Division.

2. Health Care Shift Differential – (NP/PA, RN, LPN, and MA Market Ranges only; Direct patient care only)

Payment to a non-exempt employee for working a shift that is outside the 1st shift (between 7 a.m. and 6 p.m.).

2nd shift - 8%
3rd shift - 13%

3. Standby Pay

Payment to a non-exempt employee for being in an on-call status for emergency situations, when the market indicates it is appropriate. Ordinarily, the employee carries a pager and is not restricted in his or her normal activities, but must be available to respond or return to work, whichever may be appropriate, in a reasonable amount of time when paged.

Two rates are available. Subject to OMB/Employee Compensation approval, departments have the option of paying \$1.50 per hour or \$1.75 per hour.

4. Multi-lingual Pay

Payment to an exempt or non-exempt employee with multi-lingual capabilities where the use of multi-lingual skills is relevant to the position.

Associate level - \$.30 per hour
Journey level - \$1.00 per hour (This level requires certification of competency)

5. Court Services Multi-Lingual Pay (Judicial Branch only)

Associate level - \$.50 per hour
Journey level - \$1.00 per hour
(Both levels require certification of competency)

6. Weekend Premium – (MA, NP/PA, RN and LPN Market Ranges only; Direct patient care only)

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Payment to a non-exempt employee for working weekend shifts. The rates are \$2.00 per hour for RNs, and \$1.00 per hour for LPNs. Weekend premium pay may be paid in addition to other forms of premium pay.

7. Day Off Differential — Correctional Health Services (Physician, NP/PA, RN, LPN, and MA Market Ranges only; Direct patient care only)

Flat rate payment per shift to an exempt or non-exempt employee for working an extra shift beyond the employee's regular 40 hour per week schedule. Day Off Differentials may be paid in addition to other forms of premium pay.

Payment per shift as follows:

	Own Unit 12 hr.	Float Unit 12 hr.	Own Unit 8 hr.	Float Unit 8 hr.
RN	\$75	\$100	\$50	\$66.66
LPN	\$50	\$75	\$33.34	\$50
Med. Asst.	\$25	\$37.50	\$16.66	\$25
NP/PA	\$100		\$100	
Physician	\$150		\$150	

8. E-Court Differential (Judicial Branch Only)

Payment to courtroom Bailiffs and Judicial Assistants assigned to, and trained to perform additional duties associated with e-courtrooms. The rate is \$1.00 per hour.

9. Acting Supervisor Differential (Juvenile Probation Only)

Payment to Community/Institutional Supervision Officers in the Juvenile Probation department assigned to serve as an acting supervisor. The rate is \$2.00 per hour.

(This schedule is inclusive of all forms of premium pay authorized by the Maricopa County Board of Supervisors for personnel paid through the Maricopa County Human Resources Department's payroll system.)

ADJUSTMENTS TO THE FY 2006-07 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to authorize the following adjustments to the FY 2006-07 Five-Year Capital Improvement Program:

- A FY 2006-07 fund transfer of \$2,301,219 from the Appropriated Fund Balance (480) General Fund County Improvement Fund (445) to the Appropriated Fund Balance (480) General Fund (100). Also, increase the FY 2006-07 revenue appropriation for the Appropriated Fund Balance (480) General Fund (100) by \$2,301,219 and increase the FY 2006-07 expenditure appropriation for the General Government (470) Grants Fund (249) by \$2,301,219 with offsetting revenue and expenditure eliminations in the Eliminations (980) Eliminations Fund (900).

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- Decrease Appropriated Fund Balance (480) General Fund County Improvement Fund (445) Infrastructure Systems (4813) San Tan Justice Center project revenue by \$2,301,219 in Year 1 and project expenditures by \$2,301,219 in Year 1.
- Increase the FY 2006-07 Appropriated Fund Balance (480) County Improvement Fund 2 (440) revenue appropriation by \$156,090 and expenditure appropriation by \$156,090.
- Decrease Appropriated Fund Balance (480) County Improvement Fund 2 (440) Infrastructure Systems (4813) Southeast Justice Center project revenue by \$119,072 in Year 1 and project expenditures by \$119,072 in Year 1.
- Increase Appropriated Fund Balance (480) County Improvement Fund 2 (440) Infrastructure Systems (4813) San Tan Justice Center (CHJC) project revenue by \$275,162 in Year 1 and project expenditures by \$275,162 in Year 1.
- Increase the FY 2006-07 Appropriated Fund Balance (480) County Improvement Fund (435) revenue appropriation by \$2,145,129 and expenditure appropriation by \$2,145,129.
- Increase Appropriated Fund Balance (480) County Improvement Fund (435) Infrastructure Systems (4813) Southeast Justice Center (SEJC) project revenue by \$119,072 in Year 1 and project expenditures by \$119,072 in Year 1.
- Increase Appropriated Fund Balance (480) County Improvement Fund (435) Infrastructure Systems (4813) San Tan Justice Center project revenue by \$2,026,057 in Year 1 and project expenditures by \$2,026,057 in Year 1.
- A FY 2006-07 fund transfer of \$68,818,587 from the General Government (470) County Improvement Debt #2 Fund (321) to the Appropriated Fund Balance (480) General Fund (100). Also, increase the FY 2006-07 revenue appropriation for the Appropriated Fund Balance (480) General Fund (100) by \$68,818,587, increase the FY 2006-07 expenditure appropriation for the General Government (470) County Improvement Debt #2 Fund (321) by \$57,324,587, and increase the FY 2006-07 expenditure appropriation for the General Government (470) Grants Fund (249) by \$11,494,000 with offsetting revenue and expenditure eliminations in the Eliminations (980) Eliminations Fund (900). (C4907035800) (ADM1820)

AMENDMENT TO LEASE FOR ADDITIONAL OFFICE SPACE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve and execute the Amendment No. 2 to Full Service Lease No. L7379 with The Khoshbin Company, Inc., lessor, for 4,477 square feet of additional office space, making a total of 11,294 square feet of leased space located at the Department of Public Health's Vital Records Office, 3221 N. 16th Street, Phoenix, AZ. This amendment will adjust the rental rate for the current lease term, amend the original lease agreement to include 4,477 square feet of office space and define the required tenant improvements. This amendment will also acknowledge seven additional covered/reserved parking spaces, and adjust lessee's proportionate share of building CAM charges to 22.80% of the total facility. The county's share of the tenant improvements is not-to-exceed \$40,000 and the lessor's tenant improvement allowance is \$9 per square foot or \$40,293. The lease contains an option to renew for one

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additional five-year term. The county has the right to terminate this agreement after the 36th month of the agreement by giving the owner 180-days written notice. (C8605913402)

Term/months	Rate	Monthly	Annual
13-24	\$14.00/sf	\$13,176.34	\$158,116.00 plus rental tax
25-36	\$15.00/sf	\$14,117.50	\$169,410.00 plus rental tax
37-48	\$14.25/sf	\$13,411.63	\$160,939.50 plus rental tax
49-60	\$15.25/sf	\$14,352.79	\$172,235.50 plus rental tax

AMENDMENT TO FEE-FOR-SERVICE AGREEMENT WITH VALUE OPTIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to retroactively approve Amendment No. 2 to the Behavioral Health Fee-For-Service Agreement with Value Options of Arizona, Inc. and the Department of Public Health's Health Care for the Homeless Clinic (HCH). The initial term of the agreement is from July 1, 2006 through June 30, 2007. The amendment modifies the contract to reflect additional funding of \$66,799. This will allow HCH to serve more clients with mental health issues. The Department of Public Health's indirect rate is 18.1%. This grant allows for the full indirect rate which is estimated at \$12,091, all of which is recoverable. (C8606025103)

IGA FOR PUBLIC HEALTH'S EMERGENCY MANAGEMENT PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Intergovernmental Agreement (IGA) HG754199 between Arizona Department of Health Services (ADHS) and the Department of Public Health (MCDPH) which will provide funding to be used in the Department of Public Health's Emergency Management (PHEM) Program as described below. Grant Funds are a Federal pass through from the Centers for Disease Control and Prevention (CDC). The effective period of this IGA is April 1, 2007 to August 30, 2011. The funding provided under this IGA will be received via Purchase Orders issued by ADHS.

The amount of grant funding effective August 31, 2006 through August 30, 2007, is \$3,551,916 for the following programs and allocations:

- Emergency Preparedness and Response (Bioterrorism) – \$735,730.00
- Emergency Preparedness and Response – Pandemic Influenza Phase II - \$1,231,892
- Emergency Preparedness and Response – City Response Initiative (CRI) - \$1,559,294
- Pandemic Influenza /Exercise For School Closure in the Central Region - \$25,000

Per the IGA Terms and Conditions, item 16 Funding Cap Changes, any funding changes (increases and/or decreases) will be done in the form of Purchase Orders issued by ADHS. MCDPH will submit all subsequent Purchase Orders and change orders issued under this IGA for approval by the Maricopa County Board of Supervisors through the Agenda process. Copies of each Purchase Order or Change Order will be submitted with the respective agenda action requests.

The Department of Public Health's Indirect Rate is 18.1%. Estimated total indirect costs are \$506,971, which is fully recoverable. Capital equipment in the amount of \$244,000 is not eligible for indirect charges.

Also approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$1,091,256. The appropriations adjustment is necessary because these funds were not included in the FY 2006-07

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budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8607050200)

AGREEMENT FOR DONATION FROM DIAPER BANK

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the agreement for the donation of approximately 3,000 diapers, at no cost to Maricopa County, from the Valley of the Sun Community Diaper Bank for use in the Department of Public Health's Pregnancy Connection Program. Diapers are distributed to low income clients who are pregnant or have infants. These diapers are not applied towards any match requirement for any grant and are from donations from the community and not federal, state, or local monies. (C8607051000) (ADM2150)

GRANT AWARD FOR CYCLE TO CARE TREATMENT PROJECT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a grant award from the Phoenix Affiliate of the Susan G. Komen Breast Cancer Foundation, Inc. d.b.a. the Phoenix Affiliate of the Susan G. Komen for the Cure to the Department of Public Health to provide the Cycle to Care Treatment Project. The term of the contract is from April 1, 2007 to March 31, 2008, in an amount not-to-exceed \$100,000.

The Department of Public Health's indirect rate is 18.1% for FY 2006-07. The total sum of the grant consists of sub-recipient pass-through funds not subject to indirect costs; therefore, full indirect costs are estimated at \$0. No personnel costs are related to this grant. Approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in the amount of \$25,000 for FY 2006-07 and \$75,000 for FY 2007-08. The appropriation adjustments are necessary because these funds were not included in the FY 2006-07 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8607052300)

SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the amendments to the following intergovernmental agreements that provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. These amendments are effective upon execution by both parties:

- a. Amendment No. 1 to Agreement C86074042 with the Glendale Elementary School District. The amendment will increase the amount of the agreement by \$2,000, from \$18,000 to not-to-exceed \$20,000. (C8607404201)
- b. Amendment No. 1 to Agreement C86074082 with the Littleton Elementary School District. The amendment will increase the amount of the agreement by \$2,000, from \$4,500 to not-to-exceed \$6,500. (C8607408201)

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- c. Amendment No. 1 to Agreement C86074232 with the Paradise Valley Unified School District. The amendment will increase the amount of the agreement by \$4,000 from \$45,500 to not-to-exceed \$49,500. (C8607423201)
- d. Amendment No.1 to Agreement C86074502 with the Peoria Unified School District. The amendment will increase the amount of the agreement by \$2,000 from \$56,500 to not-to-exceed \$58,500. (C8607450201)

AMENDMENTS TO LEASE FOR HEAD START PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and execute the following:

- a. Retroactively approve and execute Amendment No. 1 to Limited Service Lease No. L7312, with The Salvation Army, a California Corporation, lessor, for a Head Start classroom, closet space and the use of playground equipment located at 241 E. 6th Street, Mesa, AZ. This amendment will adjust the rental rate for the current lease term to \$500 per month and extend the term of the lease for three years or until March 7, 2010, with an option to renew for three additional years. The lease contains a 90-day termination provision and does not include any county general funds. (C2202133401)
- b. Amendment No. 2 to Lease Number L77316 with the First United Methodist Church, lessor, for Head Start classrooms and the use of playground facilities located at 215 E. University, Tempe, AZ 85181. The existing lease term terminates on April 30, 2007. The tenant wishes to complete the school year and extend the current lease one month to May 31, 2007, at a rental rate of \$500. All other terms and conditions of the current lease agreement remain in effect and in force. (C2202160402)

APPLY AND ACCEPT GRANT FUNDING

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Maricopa County Human Services Department Workforce Development Division to submit a funding application through the Governor's office to the Department of Labor. Also, authorize the Chairman to approve the receipt of all such funds awarded during FY 2007-08 as a result of the corresponding grant requests. Unless otherwise indicated all overhead/indirect costs are allowable and the FY 2007-08 authorized rate will be applied to the respective grants. The funding requested will not exceed \$5,000,000 over the course of three years. It is anticipated that the funding will be allocated at \$1,000,000 for FY 2007-08, \$2,000,000 for FY 2008-09, and \$2,000,000 for FY 2009-2010. The department's FY 2006-07 authorized indirect cost rate of 16.5% will be applied and total estimated indirect costs are \$141,631. Programs to be supported by the funding include: (C22080803ZZ)

- Dislocated Worker / Rapid Response
- Incumbent / Unemployed Worker Training
- Adult Program
- Youth Program

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AGREEMENTS FOR NEW HOPE PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following agreements between these entities and Maricopa County to allow these entities under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$27 for each animal rescued.

- a. Arizona Schnauzer Rescue, Inc., a 501 (c) 3 non-profit, 2173 W. Enfield Way, Chandler, AZ 85248. Animal Care & Control estimates 25 new hope rescues over the term of the agreement, for a total of \$675. The term of this agreement is from March 21, 2007 through March 20, 2010. (C7907061100)
- b. Barbara Rabe, d.b.a. Arizona Chihuahua Rescue, P O Box 52713, Mesa, AZ 85208. Animal Care & Control estimates 90 new hope rescues over the term of the agreement, for a total of \$2,430. The term of this agreement is from April 4, 2007 through April 3, 2010. (C7907090100)
- c. K. R. Cunningham, d.b.a. Soft Touch Animal Rescue, 8625 N. 32nd Ave, Phoenix, AZ 85051. Animal Care & Control estimates 30 new hope rescues over the term of the agreement, for a total of \$810. The term of this Agreement is from April 18, 2007 through April 17, 2010. (C7907087100)

KENNEL PERMITS RENEWALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following kennel permit renewals for the terms of April 4, 2007 through April 3, 2008. The cost of the kennel permits is \$328.

- a. Linda Shively, d.b.a. East Valley Rescue, 8125 E. 5th Avenue, Mesa, AZ 85208, Permit #312. (Supervisory District 2) (C7907069C00) (ADM2304)
- b. Patricia Bolcerek, d.b.a. Bolcerek Kennels, 23129 E. Munoz Street, Queen Creek, AZ 85242, Permit #320. (Supervisory District 1) (C7907089C00) (ADM2304)
- c. Lue Jean Brooks, d.b.a. Springbrook Kennels, 36614 N. 23rd Street, Phoenix, AZ 85086, Permit #294; (Supervisory District 3) (C7907081C00) (ADM2304)
- d. Betty Yerington, d.b.a. Yerbrier Kennels, 5447 S. El Mirage Road, Tolleson, AZ 85353, Permit #090. (Supervisory District 5) (C7907081C00) (ADM2304)
- e. Blanca Hernandez, d.b.a. Hernandez Kennels, 6910 W. Rancho Drive, Glendale, AZ 85303, Permit #426. (Supervisory District 5) (C7907081C00) (ADM2304)

FUND TRANSFERS; WARRANTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll,

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journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

REZONING OF THE MESA ANIMAL CARE & CONTROL SITE

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize the law firm of Pew & Lake, PLC, to file the necessary applications with the City of Mesa for the rezoning of the Maricopa County Animal Care & Control site identified as Assessor's parcel numbers 135-38-001M and 135-38-001N, located at 2630 W. 8th Street, Mesa, Arizona, and authorize the Chairman to execute all necessary documents, approved by County Counsel, as needed for rezoning the subject property. This item was discussed in Executive Session on April 2, 2007. (C1807032C00)

SOLICITATION SERIALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award

- 06126-RFP Telecommunications, Network Security and Public Safety Radio Strategic Technology Assessment** (\$800,000 estimate/one year with one-year renewal option) Contract to provide a County wide Telecommunications and Public Safety Strategic Technology Assessment.
- Telecom Resources International Inc.

Renewals/Extensions:

It is recommended that the Board of Supervisors approve the renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed).

Until June 30, 2010

- 03235-C Inmate Striped Clothing** (\$2,000,000 estimate/three years) Price agreement renewal for inmate striped clothing. These garments will be issued to Maricopa County inmates by MCSO.
- Robinson Textiles, Inc.
 - Uniforms Manufacturing Inc.
- 04008-ROQ Juvenile Delinquency Attorney Services – OCC** (\$2,388,600 estimate/three years) Contract renewal to provide juvenile dependency attorney services to indigent individuals as requested by the Office of Contract Counsel.

Roland Arroyo, Attorney At Law
Julia A. Austin

Hermilio Iniquez
Martin C. Klass Attorney At Law

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David W. Bell
James C. Braden
Kevin Breger
Manny A. Bustamante
Carol Coghlan Carter, Attorney
Steven Szop
Robert A. Dodell, Attorney
Genene Dyer, Attorney At Law
John L. Grassy
Jonna C. Hoffman
Baltazar Iniguez

Alan Kuffner
Jenelle A. McEachern Atty. Inc.
James T. Myres
Timothy V. Nelson
Patricia O'Connor
John L. Popilek, P.C.
Gary V. Scales Attorney At Law
Thomas A. Vierling
Marcus F. Westervelt
Jeffrey M. Zurbruggen, P.C.

04010-ROQ Adult Felony Attorney Services – OCC (\$5,000,400 estimate/three years)
Contract renewal that provides adult felony attorney services to indigent individuals as requested by the Office of Contract Counsel.

Herman Alcantar, Jr.
Justin Beresky
Terri Capozzi
Nathaniel J. Carr Law Office
Rodrick S. Carter Law Offices
Reginald L. Cooke Attorney At Law
Brandon Nelson Cotto
Geoffrey Fish
Christopher A. Flores
Taylor William Fox, Attorney At Law
Eric W. Kessler
Lisa C. Posada P.C.
John Rock Law Offices
Michael Walton Law Office
Glenn A. Allen
Joshua S. Davidson
David Eisenberg, Esquire
Rebecca Felmly, Attorney
Adrian Fontes
Joey Hamby, P.C.
Raymond A. Kimble
Susan A. Maga
Roger T. Margolis Law Office
John Justin McGuire
Brad Reinhart
Jay Rock
Humberto B. Rosales Law Office
German Salazar Law Office

Edward J. Susee, Attorney At Law
Sandra K. Hamilton, Attorney
Jaime Hindmarch
Robert W. Precht
Juan R. Rivera
Robyn Varcoe
Robert Webb
Julia Cassels, Attorney at Law
Daniela H. De La Torre
Kari Jill Granville
Jason Keller
Aldon G. Terpstra
Rick G. Tosto, P.C.
Corwin A. Townsend Law Office
Christopher R. Trautman Law Offices
Leo R. Valverde Law Office
Laurel Workman
Brandi J. Beougher Law Offices,
PLLC Joshua M. Blumenreich
Stephen L. Duncan, P.C.
Paul E. Knost, Attorney at Law
Douglas Loeftgren
Gary V. Scales, Attorney at Law
Candice L. Shoemaker
Scott D. Stewart
Jonathan L. Warshaw
Jennifer L. Willmott
Christopher Winchell

04011-ROQ Homicide/Major Felonies Attorney Services – OCC (\$4,512,400 estimate/three years)
Contract renewal to provide homicide/major felonies attorney services to indigent individuals as requested by the Office of Contract Counsel.

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Herman Alcantar Jr., Esq.
Justin Beresky
John W. Blischak
Bruce E. Blumberg PC
Michael J. Bresnehan
Terri Capozzi
Nathaniel Carr
Rodrick S. Carter
Reginald L. Cooke Esq.
Brandon Nelson Cotto, P.C.
Kenneth S. Countryman, P.C.
Joey Hamby, P.C.
Daniel DeRienzo
Michael J. Dew
Stephen L. Duncan, P.C.
Rebecca Felmy, Attorney
Taylor W. Fox, P.C.
Gerald T. Gavin
Rena P. Glitsos
Sandra K. Hamilton, Attorney

Jaime Hindmarch
Patricia A. Hubbard, Attorney
Raymond Kimble
Marci A. Kratter
Vikki M. Liles, Law Office
Susan Maga
Roger T. Margolis
Pamela Nicholson, PLC
Tonya J. Peterson
David Powell
Morton Rivkind, PA
German Salazar Law Office Of
Candice L. Shoemaker
E Sharon Storrs
Robert L Storrs P.C
Rick G. Tosto, P.C.
Leo R. Valverde
Robyn Varcoe
D. Stephen Wallin, Attorney

04012-ROQ Juvenile Appeals Attorney Services – OCC (\$3,600,000 estimate/three years) Contract renewal to provide juvenile appeals attorney services, to indigent individuals as requested by the Office of Contract Counsel.

- Theresa Marie Armendarez
- David W. Bell
- Sandra L. Massetto
- Janelle A. McEachern, Attorney Inc
- Patricia O'Connor
- Robert D. Rosanelli, Attorney
- Gary V. Scales, Attorney At Law
- Anne Williams, P.C.
- Jeffrey M. Zurbruggen, P.C.

04014-ROQ Probate Attorney Services – OCC (\$930,000 estimate/three years) Contract renewal to provide probate attorney services to indigent individuals as requested by the Office of Contract Counsel.

Chris L. Anderson, P.C.
Robert B. Blecher
Joseph M. Boyle, PLLC
Emily G. Burns, P.C.
Joseph F. Causey, Attorney At Law
Rex H. Decker
Doyle Law Office
Michael A. Friedman, P.C.
Michael P. Gormley
Emilie D. Halladay
Arnold N. Hirsch

Jim Robert Junker Law Offices
Rick Kilfoy
Jon D. Kitchel
David W. Scanlon
Michael D. Strauber, Attorney
Brian J. Theut
Christopher P. Theut
Paul J. Theut
Peter M. Williams
Jeannette Woods

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04021-ROQ Adult Criminal Appellate/PCR Attorney Services – OCC (\$1,595,000 estimate/three years) Contract renewal to provide adult appellate/PCR attorney services to indigent individuals as requested by the Office of Contract Counsel.

- Theresa M. Armendarez, P.L.C.
- Kenneth S. Countryman P.C.
- Kerrie Droban
- Michael J. Dew
- Richard D. Gierloff
- Thomas A. Gorman
- Michael S. Reeves
- Treasure VanDreumel, P.L.C.

04231-ROQ Juvenile Dependency Attorney Services – OCC (\$6,831,000 estimate/three years) Price agreement renewal that provides juvenile dependency attorney services to indigent individuals as requested by the Office of Contract Counsel.

Roland Arroyo, Attorney At Law
David Bell
James Braden
Carol Carter
Andrea Curry, Attorney At Law
Steven Czop
John L. Grassy
Lincoln Green
Stephen J. Green
T H Guerin, Jr.
Jonna C. Hoffman
Kerstin G. Lemaire
Nancy H. Marshall Esq.
Paul J. Matte, III
Janelle A. McEachern, Attorney Inc.

Timothy V. Nelson
Patricia O'Connor
Gloria S. Perez, P.C.
Jennifer Ryan-Touhill
Daniel Saint
Pamela Wiens-Saint
John G. Schaus
Stephanie Stromfors
Lon S. Taubman, P.C.
Hollie K. Taylor, Attorney
Thomas A. Vierling
D. Stephen Wallin, Attorney
Gregg R. Woodnick
Jeffrey M. Zurbruggen, P.C.

04232-ROQ Special Advocacy Attorney Services – OCC (\$1,431,000 estimate/three years) Contract renewal that provides special advocacy attorney services to indigent individuals as requested by the Office of Contract Counsel.

Roland Arroyo, Attorney At Law
Carol Coghlan Carter, Attorney
Steven Czop
Stephen J. Green
Jonna C. Hoffman
Kerstin G. Lemaire
Nancy H. Marshall Esq.
Timothy V. Nelson
Patricia O'Connor
Touhill Law Offices, P. C.
Daniel Saint
Pamela G. Wiens-Saint

Stephanie Stromfors
Lon S. Taubman, P.C.
Hollie K. Taylor Attorney
Thomas A. Vierling
D. Stephen Wallin, Attorney
Gregg R. Woodnick
Jeffrey M. Zurbruggen, P.C.
Amy Dohrendorf
Annette Cox
Julie M. Rhodes
Gary V. Scales Attorney At Law
Paul J. Theut

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John G. Schaus

Increase in the price agreement amount for the following contracts. This request is due to an increased usage by county departments.

- 01195-C Telephone, Radio and Data Communication Supplies** (\$1,000,000 increase)
Increase price agreement value from \$1,650,000 to \$2,650,000. This \$1,000,000 increase is requested by the Maricopa County Telecommunications OET Office to facilitate procurement of supplies for projects that are scheduled to take place between now and award of new contract that is currently under development for solicitation. Contract expiration date is June 30, 2007.
- Communications Supply Corporation

CAPA

The following individuals have successfully completed training provided by Materials Management and will be able to conduct nominal value procurements in selected areas for their individual agencies in accordance with the approved Certified Agency Procurement Aide Policy and Procedures.

Legal Advocate
Amy Christman

Sheriff
Teresa Crawford

Parks and Recreation
Harry Gehrke

Trial Courts
Penne Doyle
Christopher Levine
Otilia Santos

Public Health
Dyle Sanderson

TRANSFER EXPENDITURE AUTHORITY FOR SOFTWARE

Pursuant to A.R.S. §42-17106B, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the authorization to transfer expenditure authority of \$48,995 from General Government (470) General Fund (100) Indigent Burial (4771) to Public Fiduciary (340) General Fund (100) to fund Public Fiduciary's Information Technology upgrades which include new software and related hardware based upon the recommendation of Office of Enterprise Technology. Approval of this action will require an appropriation adjustment increasing the Public Fiduciary (340) General Fund (100) budget by \$48,995 and decreasing the General Government (470) General Fund (100) by \$48,995. Approval of this action will have no net impact on the overall County budget. (C3407001800) (ADM3500)

CABLE TELEVISION LICENSE RENEWAL

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the proposed Cable Television License renewal between Maricopa County and CoxCom, Inc. for 15 years, beginning on April 10, 2007 In accordance with the Maricopa County Cable Communications Ordinance of December 12, 1988, CoxCom, Inc. has submitted to the County for the requested action. CoxCom, Inc. has been a licensee in good standing with the Maricopa County since

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1991. On December 1, 1991, Times Mirror Cable of Arizona (TMCA) now doing business as CoxCom, Inc, d.b.a. Cox Communications of Arizona received a 15 year license to provide cable television service to defined service territories within the unincorporated county. This license will expire on April 9, 2007. At this time, parties from both CoxCom, Inc, and County Office of Enterprise Technology and Public Information Office have agreed upon a final negotiated renewal agreement. A Public Hearing was held on February 20, 2007, with no comments from the public for or against the renewal. It is recommended that the newly negotiated 15 year license agreement held by CoxCom, Inc. be approved by the Board of Supervisors prior to the expiration of the current license agreement. Under terms of this agreement, Maricopa County expects revenue in the form of license fees equaling 5% of CoxCom, Inc. gross annual revenue from Maricopa County customers, for an annual total of approximately \$1,400,000. (C4107010100) (ADM611)

CHANGE ORDER FOR SECURITY BUILDING

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Change Order No. 12 to Contract C7004039800, with Concord General Contracting, in the amount of \$2,525,021. This contract is for the continued design build and related professional services for the renovation of the Security Building. The scope includes renovations of 2nd 4th and 5th Floors to relocate the Public Fiduciary, MCSO and Community Development from leased space. This amount is within the approved budget for this project. (C7004039808)

CONTRACT FOR ANIMAL CARE & CONTROL FACILITY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and authorize the execution of Construction Manager at Risk Contract No. FMD-07-030 for Guaranteed Maximum Price #1 with Austin Commercial, L.P. of Phoenix, Arizona, in the amount of \$13,519,000 to provide construction phase services for the construction of the new Maricopa County Animal Care and Control Facility (Project No. 1417-06-229) located at the Durango Campus in Phoenix, Arizona. (C7006046501)

EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

DD-10715 (GL)	R/W Dedication - Warranty Deed - Parcel No.: 501-56-007C - Robert R. Adams and D. Jenita Adams as Trustees - for the sum of \$10.00.
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DD-10715 (GL)	R/W Dedication - Purchase Agreement and Escrow Instructions - Parcel No.: 501-56-007C - Robert R. Adams and D. Jenita Adams as Trustees.
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DD10716 (LS)	R/W Dedication - Warranty Deed - Parcel No.: 117th Avenue (a portion of) - Walnut Creek Development, Inc., a Nevada Corporation - for the sum of \$10.
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DD10717 (LS)	R/W Dedication - Warranty Deed - Parcel No.: Williams Drive (a portion of) - Walnut Creek Development, Inc., a Nevada Corporation - for the sum of \$10.
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DD10720	R/W Dedication - Application for Assignment of Lease, Permit or Right of Way
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- (LS) and Assumption of Interest - Lessee: Walnut Creek Development, Inc., a Nevada Corporation - Buyer: Maricopa County, a political subdivision of the State of Arizona - Lease Number: 16-107964-00-000.
- TT113.025
(DLK) Project No.: TT113 - MC85 Buckeye Road (91st Avenue to 75th Avenue) - Agreement for Right of Entry - Parcel No.: 104-14-001B, 001C, 001G - Knight Group, L.L.C, an Arizona limited liability company - for the sum of \$500.
- TT113.025
(DLK) Project No.: TT113 - MC85 Buckeye Road (91st Avenue to 75th Avenue) - Agreement for Right of Entry - Parcel No.: 104-14-001B, 001C, 001G - FR/Cal 3 Tolleson Buckeye, LLC, a Delaware limited liability company - for the sum of \$500.
- TT256.001
(JPM) Project No.: TT256 - Northern Avenue at El Mirage Road - Agreement for Right of Entry - Parcel No.: 501-53-016 - El Paso Natural Gas Company, a Delaware corporation - for the sum of \$500.
- X-1307-1
(JPM) Project No.: TT087 - Queen Creek Road (Arizona Avenue to McQueen Road) - Temporary Construction Easement and Agreement for Highway Purposes - Parcel No.: 303-41-010A - Cornett Family Limited Liability Partnership, an Arizona limited liability partnership - for the sum of \$13,337.

IGA FOR SAFETY IMPROVEMENTS TO THE RID CANAL CROSSING AT COTTON LANE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the intergovernmental agreement with the City of Goodyear for safety improvements to the Roosevelt Irrigation District (RID) Canal Crossing at Cotton Lane. Maricopa County Department of Transportation will act as the lead agency, install crash cushion barriers on the bridge and complete grading of the related RID access roads. Goodyear will reimburse the county within 30 days of receipt of invoice from the county for the cost of the improvements. Project costs are not-to-exceed \$70,000. (C6407192200)

AMENDMENT FOR IMPROVEMENTS TO HAWES ROAD AND HUNT HIGHWAY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to the intergovernmental agreement between Maricopa County, Pinal County and the Town of Queen Creek for the improvements to the intersection of Hawes Road and Hunt Highway. The original agreement was approved by the Board of Supervisors under C6406236000 on May 3, 2006, and recorded in the office of the Maricopa County Recorder on May 11, 2006 under #06-0642588. This IGA was developed to reconstruct the intersection of Hawes Road and Hunt Highway to improve through traffic and turning movements and provide for future signalization of the intersection. The construction cost for the project is estimated at \$1,244,564. The project is scheduled for construction in FY 2006-07. (Supervisorial District 1)(C6407196200)

ROAD ABANDONMENT – AB-156

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt Resolution AB-156. (C6407199000)

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RESOLUTION

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY,
ARIZONA, DECLARING A ROADWAY EASEMENT TO BE UNNECESSARY FOR
PUBLIC PURPOSES AND EXTINGUISHING THAT EASEMENT.**

WHEREAS, a certain roadway easement located in the general vicinity of Lavitt Lane and Central Avenue was acquired by Maricopa County by means of an Easement and Agreement for Highway Purposes on September 30, 1992 and recorded by the Maricopa County Recorder as record number 92-0547591; and

WHEREAS, a proposal requesting the extinguishment of the roadway easement has been submitted to Maricopa County; and

WHEREAS, a legal description of the roadway easement to be extinguished, identified as Exhibit "A", is attached; and

WHEREAS, it has been determined by the Maricopa County Department of Transportation staff that the easement proposed for extinguishment is no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed extinguishment be approved; and

WHEREAS, Maricopa County is authorized to extinguish the roadway easement as described in Exhibit "A", pursuant to A.R.S. §§28-6701, 6709, 7202 and 7214.

BE IT THEREFORE RESOLVED by the Board of Supervisors of Maricopa County, Arizona, that the roadway easement as described in Exhibit "A" is no longer necessary for public purposes.

BE IT FURTHER RESOLVED that the roadway easement as described in Exhibit "A" is hereby extinguished.

BE IT FURTHER RESOLVED that this resolution does not abandon any patent easement that may encumber the property described in record number 92-0547591.

BE IT FURTHER RESOLVED that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. § 28-7210.

DATED this 4th day of April 2007.

Exhibit A: Legal Description AB-156

The South 30 feet of the East 243.00 feet of the South half of the Southwest quarter of the Northeast quarter of the Southwest quarter of Section 29 – T6N, R3E of the G&SRB&M, Maricopa County, Arizona.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

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REIMBURSEMENT TO BUCKEYE WATER CONSERVATION & DRAINAGE DISTRICT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve reimbursement to Buckeye Water Conservation & Drainage District (BWCDD) in the amount of \$55,900 for engineering design services due to a change in scope initiated by Maricopa County Department of Transportation (MCDOT) and post design services for the relocation and modification of BWCDD irrigation facilities in conflict with the MCDOT project T171; MC 85 Extension (SR 85 to Turner Road). The cost may not exceed the estimated amount of \$55,900 by more than 10%. Approval of the FY 2007-08 expenditures are contingent upon the Board approving the recommended FY 2007-08 budget. MCDOT acknowledges that the irrigation facility has prior rights. (Supervisory District 4) (C6407200100) (ADM2000-006)

PUBLIC OUTREACH REGARDING SOLID WASTE TRANSFER STATION – WITHDRAWN

Item: Approve a contract for Public Outreach Services with Riester in conjunction with Serial 04180-RFP in the retainer amount of \$56,500. The intent of these services is to facilitate public input and participation regarding a proposed solid waste transfer station in the east valley at McQueen and Germann. Quotations were solicited from eight firms under Maricopa County's existing public relations contract (Serial 04180-RFP). Funding for this contract will be provided by District 1, either by Fund (100) Operating or Fund (210) Special Projects. (C0607077100)

The Clerk announced this item had been withdrawn.

REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS

Item: The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services as shown in the Vouchers. (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003) Staff may update the Board of Supervisors on regional schools operations and finances. (ADM3814-005)

No vouchers were presented for approval or ratification and no staff updates on regional schools operations and finances were given to the Board of Supervisors at this meeting.

HEARING SET – ROAD FILE DECLARATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to set a public hearing to declare the following roads into the county highway system for 9:00 a.m., Wednesday, May 2, 2007, at 205 W. Jefferson, Phoenix.

- a. **Road File No. 5337.** In the vicinity of Signal Butte and University. (C6407191000)

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- b. **Road File No. A382.** In the vicinity of Pecos Road and Cooper Road Improvements. (C6407198000)

PUBLIC HEARING SET - PLANNING AND ZONING CASES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for May 2, 2007, at 9:00 a.m. in the Board of Supervisors Auditorium, 205 West Jefferson, as follows:

Z2006-153; Z2006-137; Z2006078; Z2006-138; CPA2007-01

Supervisor Kunasek asked Planning for a list of cases that would be heard at a board meeting to be included in backup materials so the Members would know some details prior to the meeting. Darren Gerard indicated that this would be done.

COUNTEROFFER CONCERNING SETTLEMENT OF ARIZONA BIGELOW L.L.C.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept counteroffer from the taxpayer, as discussed in Executive Session on April 2, 2007, concerning settlement of Arizona Bigelow Limited Liability Company IV, et al, v. Maricopa County, TX 2004-000197 (consolidated); Bigelow AZ Limited Liability Company IV v. Maricopa County, TX 2006-000125; and all civil matters referred to in the Notice of Claim Pursuant to A.R.S. § 12-821.01 by Bigelow L.L.C.; and further, to authorize the Chairman to execute all final settlement documents upon review and approval by counsel. (Addendum Item A-1) (C1907035000) (ADM704-001)

AMENDMENT TO CONTRACT WITH CITY OF PHOENIX RELATED TO SPECIAL TRANSPORTATION SERVICES PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve non-financial amendment #1 to the contract with City of Phoenix, agenda item C2204037200, to extend the expiration date to January 31, 2008, for the Special Transportation Services Program. All other terms and conditions remain the same. (Addendum item A-2) (C2204037201)

**CONSENT AGENDA
Clerk of the Board**

ASRS CLAIMS

No request for payment of claims was submitted by the Arizona State Retirement System for this meeting. (ADM3309-001)

APPOINTMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the Official Appointment of Christina Flores as Deputy Recorder.

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CANVASS OF ELECTIONS

No canvasses of elections were submitted by special districts for this meeting.

CLASSIFICATION CHANGES

No recommendations were received from the Assessor to change classification and/or reduce the valuation of certain properties at this meeting. (ADM723)

COMPROMISES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the requested compromises as payment in full. This item was discussed in Executive Session on March 19, 2007. (ADM407)

Carothers, Valerie	\$363.54
Taylor, Milinda	\$5,200.00

DUPLICATE WARRANTS

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approval and ratification is requested for duplicate warrants issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
Michelle Solomon	370037487	Expense	\$131.94
Ana Beltran	360566851	Expense	\$5,000.00
Gerald O'Bryan Fuller	270025373	Expense	\$115.00
Terry Jeffries	270013247	Expense	\$115.00
Angie Mendez	270027485	Expense	\$115.00
Westways Staffing Services	370025477	Expense	\$2,582.13
Fedex	370035356	Expense	\$151.90
Lynn D Cronin	370034237	Expense	\$395.00
DL Quackenbush Homes LLC	370038208	Expense	\$3,150.00

SCHOOLS

NAME	SCHOOL	WARRANT	AMOUNT
Carol Hanson	Madison Elem SD #38	170073674	\$216.10
AZ Dept of Education	Queen Creek SD #95	470059353	\$200.00
Luis Lopez	Fowler SD #45	170076149	\$235.49
Luis Lopez	Fowler SD #45	170071958	\$314.00
Tolleson Steel	Tolleson Union High SD #214	470082470	\$24.91
Javier Canez	Isaac SD #5	170079420	\$748.03
Home Depot	Tolleson Elem SD #17	470059730	\$450.38

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Martha Ruiz	Isaac SD #5	170079492	\$267.00
Cynthia Hawk	Treasurer	170156916	\$658.35
Leona Drew	Treasurer	170156901	\$918.62

MINUTES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the minutes of the Board of Supervisors meetings held January 24, 2007, September 25, 2006, and November 15, 2006.

PRECINCT COMMITTEEMEN

Pursuant to A.R.S. §16-821, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and/or removal of precinct committeemen due to disqualification in accordance with lists dated April 4, 2007, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

PROPERTY RE-CLASSIFICATION APPEAL CASES

Item: Pursuant to A.R.S. §42-12052, deny the property owner's appeal to re-classify properties, which has not satisfied the requirements of occupancy status, and maintain property classification at class four property (non-owner occupied). The class four property classification (non-owner occupied), remains in effect. This item is continued from the March 21 meeting. This item was discussed in Executive Session on April 2, 2007. (ADM310-002)

Rivera, Richard W	104	77	316
Rivera, Richard W	162	3	68

Property owner, Richard Rivera, explained the background for his tardiness in responding to three letters sent by the Assessor, over a several month period, warning of possible reclassification of several properties deemed to be rental and not owner occupied, as he had claimed. He admitted his error and apologized and he asked for a waiver or reduction of the penalty amount. Discussion ensued between several of the Members and Mr. Rivera in which it was explained that this process was set by statute.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (5-0) to deny the property owner's appeal to re-classify properties, and the above sites will remain class four properties.

SECURED TAX ROLL CORRECTIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

YEAR	FROM	TO	AMOUNT
2006	9978	10190	\$299,699.96
2003	28015	28015	\$0.00

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2004	15544	15554	-\$24,744.84
2005	18441	18472	-\$89,279.54
2006	9778	9977	-\$103,058.80
1997	30110	30117	-\$16,393.84
1998	11146	11153	-\$16,520.48
1999	8302	8311	-\$16,532.88
2004	1555	1556	-\$118,457.80
2005	18476	18496	-\$408,548.36
2006	10191	10323	-\$336,868.98

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the settlement of tax cases dated April 4, 2007. (ADM704)

2006

TX2005-050266
Outside Counsel
TX2005-050382

2007

ST2006-000114
ST2006-000144
TX2006-000371

STALE DATED WARRANTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to find that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

Saif Jaffery MD	\$1,250.00
J R MacKenzie	\$2,748.70

TAX ABATEMENTS

No request for tax abatements were received from the Treasurer's Office for this meeting. (ADM708)

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

No member of the public came forward to speak at this meeting. (ADM605)

SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Kunasek thanked the Flood Control District for their soon to be completed improvements that will remove the potential of floods for more than 400 homeowners living in the 10th Street Wash Area. These changes will also remove the need for those residents to purchase flood insurance, which will save them several hundred dollars a year. (ADM606)

Supervisor Wilcox extended a personal thank-you to those making the Bring Back Blue campaign such a success. The County is mandated by Congress to maintain a certain level of air quality or a penalty is imposed.

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Supervisor Stapley said he and Chairman Brock had joined with many dignitaries who attended the ribbon cutting ceremony for the San Tan Regional Court Center. He complimented Chairman Brock for his excellent remarks, and added that many of those present had recognized the Board of Supervisors for their vision and effort in bringing this court center to the area. Mr. Stapley added that the new regional court centers are working out very well and construction on the Southwest Regional Center will be started in the near future. He said that all regional centers have first class technology and an excellent ambiance that sets a standard of dignity that enhances the activities of the court.

Chairman Brock agreed and added that the ribbon cutting had been "a real celebration" and he thanked the Mayor and City Council of the City of Chandler for providing the land the center will be built on.

Supervisor Wilson commented on the absence of 10th floor security guard Bob Caravello who is recovering from surgery. He voiced the thoughts of all who know Bob in saying that he is missed and in wishing him a safe and speedy recovery.

PLANNING AND DEVELOPMENT

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CODE ENFORCEMENT REVIEWS

Please note: The following Code Enforcement Reviews are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support his decision, and whether a procedural error may have occurred. New evidence is not considered at these hearings.

Code Enforcement Review – Charles And Jean Roderick

Chairman Brock called for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2005-00708 for Charles and Jean Roderick. This item was heard on March 21, 2007, when it was continued to this meeting. (ADM3417-047)

Darren Gerard reviewed the case history of this 2005 citizen complaint and the resulting non-compliance charges brought against Mr. and Mrs. Roderick of junk, trash, debris and unlicensed and inoperable vehicles in their yard. Violations for which Mr. and Mrs. Roderick were found to be responsible by the Hearing Officer in January 2007. The fine, to date, has accrued to \$2,370.

Mr. Thomas Roderick came forward to speak for his parents and said he hadn't had time to clean it up but his intentions were to do so as soon as he was able.

Supervisor Wilson asked how long he estimated it would take him to bring the property into compliance.

Mr. Roderick said he believed it is in compliance now. Reporting that any remaining vehicles are registered and legal and he has applied for a permit for the storage unit.

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Mr. Gerard discussed photos taken yesterday showing multiple trailers, RV's and a mobile home that is not permitted.

Mr. Roderick said the trailer is for storage and is not anyone's home. He reiterated earlier arguments that he did not receive notice of non-compliance until November 30, 2006, and the hearing was in January 2007. He did not respond to Supervisor Wilson's question on how much time he needed for compliance, although Supervisor Kunasek also asked him for a time estimate. Mr. Roderick said he did not realize he was not compliant.

Discussion ensued and several Board members asked counsel if it would be permissible to allow the Roderick's 30 days to complete their clean-up, and if it isn't done by then the full fine would be assessed.

Mr. Eckhardt said the ordinance does not address fines at all and the Board's choices were to affirm or remand.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (5-0) to uphold the Hearing Officer's Order of Judgment. Fines currently totaling \$2,370 will continue to accrue until compliancy is verified.

Code Enforcement Review – David Benefield – CONTINUED

Chairman Brock called for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2006-00282 for David Benefield. This item was heard on March 21, 2007, and continued to this meeting. (ADM3417-044)

Darren Gerard gave background on this code violation case saying the property had been inspected on March 20th and the Sea-Can was still there and is still unpermitted.

Mr. Benefield said the original complaint was not about the Sea-Cargo container and he wasn't sure why or how it came into contention. He said that all other violations, including the original one for an occupied RV, have been satisfied. Discussion ensued on zoning, permitting, and the size and permanence of structures.

Joy Rich said compliance hinged on Mr. Benefield's submitting a correctly scaled site plan as setbacks were not included in his submittal and these setbacks do not meet zoning standards. She said if he could get a suitable site plan submitted soon enough, it might be possible to process it by the next Board meeting.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (5-0) to continue this code review to the April 18, 2007, Board meeting.

PLANNING AND ZONING ITEMS

CONSENT AGENDA DETAIL:

- | | | |
|----|-------------------|---------------------------------------------------------------------------------|
| 1. | Z2006-067 | District 3 |
| | Applicant: | Cawley Architects, Inc. for Reliance Companies |
| | Location: | South of Anthem Way on the southeast side of Venture Drive (in the Anthem area) |

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Request: Precise Plan of Development in the C-O PD zoning district for commercial office condominiums (approximately 8.9 acres) – Anthem Reliance Office condominiums

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of Z2006-067, subject to stipulations “a” through “n”. Commissioner Aster seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled “Anthem Reliance Condominiums” consisting of six (6) full size sheets, dated revised October 10, 2006, and stamped received November 8, 2006, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled “A Precise Plan of Development for Anthem Reliance Office Condominiums” consisting of five (5) pages, dated revised October 10, 2006, and stamped received November 8, 2006, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the landscape plan entitled “Anthem Reliance Condominiums”, consisting of two (2) full size sheets, dated revised September 6, 2006, and stamped received November 8, 2006, except as modified by the following stipulations.
- d. All trees shall be double-staked when installed.
- e. A continuous parapet shall screen all roof-mounted equipment.
- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened from view.
- g. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
 - Provide off-site improvements to Venture Court with sidewalk and sidewalk ramps at driveways.
 - Landscaping to comply with MCDOT requirements in County right-of-way (Roadway Design Manual).
- h. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- i. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit. The applicant must contact the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- j. Development and use of the site shall comply with the requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review

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and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

- k. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- l. Major changes to the site plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- m. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- n. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the recommendation for approval from the Planning Commission with stipulations "a" through "n."

- 2. Z2006-105 District 4**
Applicant: Riverwalk-Olive Ave., LLC
Location: Northeast corner of 99th Avenue and Olive Avenue (in the Sun City area)
Request: Precise Plan of Development in the C-1 PD SC zoning district for a commercial shopping center (approximately 2.014 acres) – Riverwalk Village Phase III

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of Z2006-105, subject to stipulations "a" through "s". Commissioner Aster seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall comply with the Precise Plan of Development entitled "Riverwalk Village Phase III Retail" consisting of six (6) full-size sheets of the site plan dated January 25, 2007, and stamped received February 9, 2007, except as modified by the following stipulations. Within thirty (30) days of BOS approval the applicant shall submit two (2) copies of the site plan with General Note #1 revised as follows: "The property owner is responsible for the maintenance of all retention/detention basins, storm drain system and catch basins to be free of silt, debris and clogging" in general notes on both precise plan.
- b. Development and use of the site shall comply with the narrative report entitled "Riverwalk Village Phase III - Retail", consisting of fourteen (14) pages, dated (revision 2) January 25, 2007, and stamped received February 9, 2007 except as modified by the following stipulations.
- c. Development and use of the site shall comply with the Landscape Plan entitled "Riverwalk Village Phase III The Shops at Riverwalk Village Preliminary Landscape Plan"

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consisting of two (2) full-size sheets dated January 25, 2007, and stamped received February 9, 2007, except as modified by the following stipulations

- d. All trees shall be double-staked when installed.
- e. A continuous parapet shall screen all roof-mounted equipment.
- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened.
- g. Development of the site shall meet the following Maricopa County Department of Transportation (MCDOT) requirements:
 - Construct a 5 foot wide sidewalk adjacent to 99th Avenue.
 - All landscaping in county right-of-way shall meet Chapter 9 (roadway Design Manual).
 - Driveway on Olive Avenue right-in-right-out shall conform to Maricopa County Department of Transportation standards meeting American Disability Act (ADA) access ramps.
- h. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- i. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- j. A Right-of-Way Permit shall be required prior to any work within the property owned by the Flood Control District of Maricopa County.
- k. A Floodplain Use Permit shall be required for any work within the property owned by the Flood Control District of Maricopa County.
- l. Prior to any zoning clearance for building permits, the applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County. The Grading and Drainage Plan and Drainage Report shall be in compliance prior to issuance of zoning clearance.
 - Update statement such as "The property owner is responsible for the maintenance of all retention/detention basins, storm drain system and catch basins to be free of silt, debris and clogging" in general notes on both precise plan and G&D plan cover sheet.
 - Provide the drainage exhibit in drainage report.
 - The block wall detail with drainage openings shown on G&D plan is not correct. See reference sheet in previous comment letter.
 - Why drywell installation is still indicated on sheet #3 of G&D plan?
 - You proposed 2-24" RGRCP storm drain pipe along with 1-15" RGRCP storm drain pipe in drainage report. But in sheet #3 of G&D plan, you indicated 2-18" RGRCP and 1-12" RGRCP in paving notes. Please update it.
 - How did you deal with bending section of proposed storm drain system?

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- Other comments (such as catch basins sizing, HGL etc.) shown on Riverwalk Village Phase I Final Plat and G&D plan (S2006072/B200615770) comment letter need to be addressed also.
- m. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- n. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- o. The site is located within the "territory in the vicinity of a military airport. Such notification shall be recorded on the Precise Plan and be permanently posted on not less than a 3 foot by 5 foot sign in front of all leasing/sales offices, on not less than an 8½ inch by 11 inch sign, and be included in all leasing agreements as follows:

You are buying/leasing a property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your building should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

- p. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- q. Major changes to the site plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.

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- r. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- s. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the recommendation for approval from the Planning Commission with stipulations "a" through "s."

- 3. Z2006-124 District 3**
- Applicant:** DFD Cornoyer Hedrick for State Line, LLC
- Location:** Southwest corner of Scottsdale Road and Mayo Boulevard (in the northeast Phoenix/north Scottsdale area)
- Request:** Precise Plan of Development in the C-2 CUPD zoning district for a retail commercial development (approximately 20.49 acres) – The Shops at Chauncey Ranch – Phase II

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of Z2006-124, subject to stipulations "a" through "p". Commissioner Aster seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall be in substantial compliance with the site plan entitled "The Shops at Chauncey Ranch" consisting of a precise plan, one (1) full-size sheet, prepared by DFD Cornoyer Hedrick, dated February 13, 2007 and stamped received February 13, 2007, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial compliance with the elevations entitled "The Shops at Chauncey Ranch" consisting of one (1) full-size sheet, prepared by DFD Cornoyer Hedrick, dated January 24, 2007 and stamped received January 25, 2007, except as modified by the following stipulations.
- c. Development and use of the site shall comply with the narrative report entitled "Precise Plan Narrative Report Revised 02/08/07 for The Shops at Chauncey Ranch (Phase II) – Precise PD", consisting of four (4) pages, dated February 8, 2007, and stamped received February 8, 2007, except as modified by the following stipulations.
- d. Landscaping of the site shall be generally consistent with the landscape plan entitled, "The Shops at Chauncey Ranch", consisting of one (1) full-size sheet prepared by DFD Cornoyer Hedrick, date stamped with architect's seal February 12, 2007, and stamped received February 13, 2007, except as modified by the following stipulations.
- e. Development and use of the site shall comply with all use regulations and development standards of the C-2 CUPD zoning district as approved under Z2000063 and amended by Z2001118.
- f. Development and use of the site shall remain in compliance with all applicable stipulations of approval under Z2000063 and Z2001118 except as modified or superseded by the following stipulations.

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- g. The following Maricopa County Flood Control District (FCD) stipulation shall be adhered to:
 - Prior to issuance of building permits, a Flood Plain Use Permit will need to be obtained from Regulatory Division of the Flood Control District.
- h. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- i. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- j. All trees shall be double-staked when installed.
- k. A continuous parapet shall screen all roof-mounted equipment.
- l. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- m. All interior roadways will be constructed to the minimum commercial/nonresidential standards of Maricopa County or City of Phoenix standards (where applicable).
- n. Major changes to this plan of development (the precise plan of development and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. For the purpose of this application, a minor amendment may include changes to the location, configuration and/or type of the site plan, adjustments to interior streets, etc., as long as such amendment does not increase the overall intensity, and otherwise complies with the C-2 CUPD development standards approved for site.
- o. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- p. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the recommendation for approval from the Planning Commission with stipulations "a" through "p."

- 4. S2006-032 District 4**
Applicant: David McBride with Namwest

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Location: Sunland Lane, west of Del Webb Boulevard. (in Sun City)
Request: Final Plat in the R-2 RUPD zoning district for Sun City Manor (approximately 27.94 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve this final plat.

5. **Z2006-118 District 1**
 Applicant: Quinn United Enterprises for Cingular and Last Chance Trading Post
 Location: East of Arizona Avenue and north of Hunt Highway. (in the Sun Lakes / south Chandler area)
 Request: Special Use Permit (SUP) for a wireless communication facility in the C-3 zoning district, Wireless Communication Facility Use District 1 (approximately 0.02 acres) – Cingular X128

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of Z2006-118, subject to the following stipulations “a” through “n”. Commissioner Munoz seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall be in substantial conformance with the site plan entitled “Request for a Special Use Permit for Cingular X128-01”, consisting of four (4) full-size sheets, dated revised January 3, 2007 and stamped received January 11, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled “Special Use Permit Case Z2006118 for Cingular X128 – Maricopa County”, consisting of ten (10) pages, dated revised January 3, 2007, and stamped received January 11, 2007, except as modified by the following stipulations.
- c. The height of the wireless communication facility shall be limited to 73’.
- d. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- e. Development of the site shall be in conformance with all Federal and State requirements, including but not limited to, Federal Communications Commission (FCC), Federal Aviation Administration (FAA), National Environmental Policy Act (NEPA), and State Historical Preservation Office (SHPO). The applicant shall be responsible for obtaining all necessary approvals prior to construction, and shall be accountable to those agency requirements, and penalties.
- f. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- g. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a ‘will serve’ letter substantiating coverage from the appropriate Fire Department servicing the site.

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- h. An Administrative Amendment shall be required to co-locate future carriers on the monopalm.
- i. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- j. The applicant shall submit a written report outlining the status of the development at the end of one (1) year from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations. The applicant shall obtain the necessary as-built permit for the existing ambulance building on site. The Status Report shall include reference to the as-built permit number for the ambulance building and status of zoning compliance for the parcel.
- k. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- l. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- m. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- n. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Chairman Brock said there are custom homes near this project and asked what notification has been sent to those residents. He asked if the posting had been on the monopole.

Mr. Gerard said the property had been posted in several places and a mailing had gone out to residents within 300 feet of the parent parcel.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the recommendation for approval from the Planning Commission with stipulations "a" through "n."

- 6. Z2006-146 District 3**
Applicant: Quinn United Enterprises for Cricket Communications and Stepping Stones Academy, Inc.

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Location: West of 7th Street and approximately 890' north of Galvin Street (in the Desert Hills / north Phoenix area)
Request: Special Use Permit (SUP) for a wireless communication facility in the Rural-43 zoning district, Wireless Communication Facility Use District 1 (approximately 0.001 acres) – Stepping Stones Academy

COMMISSION ACTION: Commissioner Aster moved to recommend approval of Z2006-146, subject to the following stipulations "a" through "j". Commissioner Jones seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall be in substantial conformance with the site plan entitled "Stepping Stones Academy", consisting of six (6) full-size sheets, dated revised January 2, 2007 and stamped received January 23, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Maricopa County Special Use Permit Zoning Case Z2006146 for Cricket PHX296", consisting of five (5) pages plus exhibits, dated revised January 10, 2007, and stamped received January 29, 2007, except as modified by the following stipulations.
- c. The overall height of the wireless communication facility shall be limited to 75'-6" including all antennas and attachments.
- d. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- e. This Special Use Permit shall expire twenty (20) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements related to the wireless communication facility shall be removed within 60 days of such termination or expiration.
- f. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- g. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- h. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- i. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control

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District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

- j. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the recommendation for approval from the Planning Commission with stipulations "a" through "j."

REGULAR AGENDA DETAIL:

7. **Z2001-013 District 4 - CONTINUED**
 Applicant: Alicia Oregel
 Location: Approximately 660' east of 351st Avenue and 330' south of Baseline Road at 7716 S. 349th Avenue (in the Tonopah area)
 Request: Reconsideration of a previously approved Special Use Permit (SUP) for a single-wide manufactured home in the Rural-43 zoning district to either modify a stipulation of SUP approval or revoke the SUP (approximately 3.75 acres) – Single Wide Manufactured Home

COMMISSION ACTION: Commissioner Jones moved to revoke the Special Use Permit previously approved under case Z2001-013. Commissioner Munoz seconded the motion, which passed with a unanimous vote of 6-0.

Darren Gerard explained the reasons this Special Use Permit is being considered for modification or revocation. One letter of support and four letters of opposition have been received. Staff recommends revocation if the required land dedication in stipulation "g" is not complied with by Ms. Oregel. The Planning Commission approved revocation by unanimous vote. MCDOT does not want the stipulation modified and Sra. Oregel has refused to dedicate necessary land.

Supervisor Wilcox said she had been speaking with Sra. Oregel and she has agreed to this dedication of land if there is a five-year review of stipulation "g" to make certain it was really needed. Discussion ensued on this issue and Supervisor Wilcox left the dais to speak again with Sra. Oregel to further explain the dedication of land.

Thomas R. Martin, the original owner of Sra. Oregel's property, is currently living next door to her. He said that in 2001, as owner, he had readied a permit to dedicate the 30 feet of land as a right-of-way and he and his wife had signed it, but had never filed it. He bought the parcel next door, split it for his son, who now lives in the front, and houses were built. Mr. Martin thought he had legal access to his property through 349th Avenue but finds that he has an issue with Sra. Oregel, who, he said, has shut his access down and he has to go through his son's property to get to his house on the rear half of his lot. He said he would favor the Board's revocation of the original SUP.

Supervisor Kunasek clarified that the land for dedication is off of what is known as the 349th Avenue alignment. Mr. Gerard said yes, that it was a "skinny 30 ft. piece along a narrow arm to the southeast." Mr. Kunasek asked who would maintain the parcel. Mr. Gerard said for now it would be a dedication without an improved or maintained road and not maintained, adding that MCDOT wants to reserve this as a ROW for a future street. Discussion ensued.

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Supervisor Wilcox consulted with Sra. Oregel and reported that she had agreed to a two-week continuance and will dedicate the land if there is a review in five-years.

Terry Eckhardt said that according to statute, once the property is dedicated, the disposal or use of the property is up to the County. He said the only thing that could be reviewed in five-years is the SUP, not the dedication of land.

Supervisor Kunasek said that two-weeks would give him time to talk to MCDOT and learn why they want that dedicated right-of-way because from what he'd heard he did not understand that need.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (5-0) to continue this case to the April 18, 2007, Board meeting so details on the dedication can be clarified and agreement reached.

- 8. Z2004-129 District 4**
Applicant: Yurkovic Design, Inc. for Larry Cummings/Sanc., LLC
Location: Northeast corner of 83rd Avenue & Banff Lane (in the north Peoria area)
Request: Major Amendment to a Special Use Permit (SUP) for a private school in the Rural-43 zoning district (approximately 2.1 acres) – Arrowhead Montessori School

COMMISSION ACTION: Commissioner Makula moved to recommend approval of Z2004-129, subject to stipulations "a" through "v". Commissioner Pugmire seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development of the site shall comply with the site plan entitled "Arrowhead Montessori Special Use Permit", consisting of three (3) full-size sheets, dated revised February 15, 2007, and stamped received February 16, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Arrowhead Montessori School, consisting of five (5) pages, dated revised October 2006, and stamped received October 16, 2006, except as modified by the following stipulations.
- c. A continuous parapet shall screen all roof-mounted equipment.
- d. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- e. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- f. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- g. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review

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and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

- h. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from Rural Metro Fire Department .
- i. This Special Use Permit shall expire twenty (20) years from the date of approval by the Board of Supervisors.
- j. The number of students shall be limited to 170 with a maximum of 18 employees.
- k. The school shall be in session only Monday through Friday from the hours of 7:00 a.m. to 6:00 p.m.
- l. There shall be no off-site parking permitted. All student body functions with the potential to generate more parking requirements than spaces currently provided on school grounds shall be held off of the premises.
- m. The applicant shall submit a written report outlining the status of the development at the end of one (1) and fifteen (15) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- n. The owner shall notify future owners that they are located within the State-defined "Territory in the Vicinity of a Military Airport" with the following language:

"You are buying property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Habitable buildings should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

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- o. All habitable buildings shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- p. Major changes to the Special Use Permit (site plan and narrative report), or the stipulations of approval, shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- q. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- r. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- s. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.
- t. No animals of any type shall be allowed or kept on site.
- u. No amplified sound of any type exterior to the building shall be allowed.
- v. The applicant shall erect an 8' (h) wall 10' west of the eastern property line on the north half of the property. Said wall shall connect to the existing 6' (h) wall on the eastern property line on the south half of the property. The applicant shall ensure that the proposed 8' (h) wall on the south property line connects to the existing 6' (h) wall on the east property line and gives gated access to the irrigation canal.

Darren Gerard gave background information on this case and said there was opposition representing six properties but opposition has been alleviated. The Commission and staff recommend approval.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "v."

- 9. S2005-031 District 5 CONTINUED**
Applicant: Rosendahl & Associates, Inc.
Location: West side of Old U.S. Highway. 80, approximately 2.5 miles north of Patterson Road (in the Buckeye area)
Request: Final Plat in the Rural-43 zoning district for Spring Mountain Ski Ranch Phases 3 & 4 (Approximately 79.56 gross acres)

Mr. Gerard said that Environmental Services has not signed off on this final plat. He explained, "This is a dry sewer without public water, and there are four related waivers to the subdivision regulations." There

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is also concern that there may be water migration between the well and the septic due to proximity to some lakes.

Motion was made by Supervisor Wilcox to continue related items No. 9 and No. 10 (S2005-031 and S2006-052) to the May 2nd, 2007, meeting so that further discussion can be held. Motion was seconded by Supervisor Stapley and unanimously carried (5-0).

- 10. S2006-052 District 5 CONTINUED**
Applicant: Rosendahl & Associates, Inc.
Location: West side of Old U.S. Highway. 80, approximately 2.5 miles north of Patterson Road (in the Buckeye area)
Request: Replat in the Rural-43 zoning district for Spring Mountain Ski Ranch Phases 1 & 2 (Approximately 87.88 gross acres)

Motion was made by Supervisor Wilcox to continue related items No. 9 and No. 10 (S2005-031 and S2006-052) to the May 2nd, 2007, meeting so that further discussion can be held. Motion was seconded by Supervisor Stapley and unanimously carried (5-0).

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned at 10:40 a.m.

Fulton Brock, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board